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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,678	01/30/2001	Takahiro Suzuki	2000-024909US	8113

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EXAMINER

RAMPURIA, SHARAD K

ART UNIT PAPER NUMBER

2683

DATE MAILED: 12/12/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,678

Applicant(s)

SUZUKI, TAKAHIRO

Examiner

Sharad Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>7,9-10</u> . | 6) <input type="checkbox"/> Other: _____ |

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Response to Amendment

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Minata.

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki further in view of Katayama, Atsushi (JP 411175440 A).

1. Regarding Claim 1, Seki disclosed A mobile communication terminal (10; fig.2; col.3; 1-7), wherein a battery is used as a power source (107; fig.2; col.3; 44-51), comprising:

a detector for detecting the voltage of the battery acting as a power source; (col.4; 37-42)
decision means for deciding a difference relationship between a voltage level detected by the detector and a prescribed value; (col.4; 37-42)

a reserved-data transmission controller for radio-transmitting the transmission-reserved data stored in the storage at said mobile communication terminal when the decision means

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decides that the detected voltage level exceeds said prescribed value after maintenance of the wait state. (col.3; 23-34)

Seki fails to disclosed without starting the transmission operation, when the decision means decides that the detected voltage level is less than the prescribed value, in response to a data transmission request, and thus maintaining its wait state. However, Katayama teaches in an analogous art, that a transmission reservation controller at said mobile communication terminal for storing transmission data as transmission-reserved data into a storage at said mobile communication terminal, without starting the transmission operation, when the decision means decides that the detected voltage level is less than the prescribed value, in response to a data transmission request, and thus maintaining its wait state. (abstract) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include without starting the transmission operation, when the decision means decides that the detected voltage level is less than the prescribed value, in response to a data transmission request, and thus maintaining its wait state in order to prevent mail transmission from being impossible by not using battery capacity.

2. Regarding Claim 2, Seki disclosed all the particulars of the claim except electronic mail data. However, Katayama teaches in an analogous art, that The mobile communication terminal defined in claim 1, wherein the transmission data comprises electronic mail data created in the wait state. (abstract) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include electronic mail data in order to prevent mail transmission from being impossible by not using battery capacity.

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3. Regarding Claim 3, Seki disclosed all the particulars of the claim except electronic mail data. However, Katayama teaches in an analogous art, that The mobile communication terminal defined in claim 1, wherein The mobile communication terminal defined in claim 2, further comprising an electronic mail data storage for temporarily storing the created electronic mail data in the storage to wait decision results by the decision means in advance of transmission. (abstract) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include electronic mail data in order to prevent mail transmission from being impossible by not using battery capacity.

4. Regarding Claim 4, Seki disclosed A mobile communication terminal (10; fig.2; col.3; 1-7), wherein a battery is used as a power source (107; fig.2; col.3; 44-51), comprising:

- a detector for detecting the voltage of the battery acting as a power source; (col.4; 37-42)
- decision means for deciding a difference relationship between a voltage level detected by the detector and a prescribed value; (col.4; 37-42)

- a reserved-data transmission controller for radio-transmitting the transmission-reserved data stored in the storage at said mobile communication terminal when the decision means decides at said mobile communication terminal that the detected voltage level exceeds said prescribed value after maintenance of the wait state. (col.3; 23-34)

Seki fails to disclosed without starting the transmission operation, when the decision means decides that the detected voltage level is less than the prescribed value, in response to a data transmission request, and thus maintaining its wait state. However, Katayama teaches in an analogous art, that a transmission reservation controller at said mobile communication terminal

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for storing transmission data as transmission-reserved data into a storage at said mobile communication terminal, without starting the transmission operation, when the decision means decides that the detected voltage level is less than the prescribed value, in response to a data transmission request, and thus maintaining its wait state. (abstract) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include without starting the transmission operation, when the decision means decides that the detected voltage level is less than the prescribed value, in response to a data transmission request, and thus maintaining its wait state in order to prevent mail transmission from being impossible by not using battery capacity.

5. Regarding Claim 5, Seki disclosed all the particulars of the claim except electronic mail data. However, Katayama teaches in an analogous art, that The mobile communication terminal defined in claim 4, wherein the transmission data comprises electronic mail data created in the wait state. (abstract) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include electronic mail data in order to prevent mail transmission from being impossible by not using battery capacity.

6. Regarding Claim 6, Seki disclosed all the particulars of the claim except electronic mail data. However, Katayama teaches in an analogous art, that The mobile communication terminal defined in claim 5, further comprising an electronic mail data storage for temporarily storing the created electronic mail data in said storage to wait decision results by the decision means in advance of transmission. (abstract) Therefore, it would have been obvious to one of ordinary

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skill in the art at the time of invention to include electronic mail data in order to prevent mail transmission from being impossible by not using battery capacity.

7. Regarding Claim 7, Seki disclosed A data transmission method suitable for a mobile communication terminal (10; fig.2; col.3; 1-7) which uses a battery as a power source (107; fig.2; col.3; 44-51), comprising the steps of:

detecting the voltage of the battery acting as a power source; (col.4; 37-42)

deciding a difference relationship between a voltage level detected in the detecting step and a prescribed value; (col.4; 37-42)

radio-transmitting the transmission-reserved data stored in the storage at said mobile communication terminal when the decision means decides that the detected voltage level exceeds said prescribed value after maintenance of the wait state. (col.3; 23-34)

Seki fails to disclosed without starting the transmission operation, when the decision means decides that the detected voltage level is less than the prescribed value, in response to a data transmission request, and thus maintaining its wait state. However, Katayama teaches in an analogous art, that a transmission reservation controller at said mobile communication terminal for storing transmission data as transmission-reserved data into a storage at said mobile communication terminal, without starting the transmission operation, when the decision means decides that the detected voltage level is less than the prescribed value, in response to a data transmission request, and thus maintaining its wait state. (abstract) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include without starting the transmission operation, when the decision means decides that the detected voltage level is less

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than the prescribed value, in response to a data transmission request, and thus maintaining its wait state in order to prevent mail transmission from being impossible by not using battery capacity.

8. Regarding Claim 8, Seki disclosed The data transmission method defined in claim 7, further comprising the step of charging said battery after maintenance of the wait state. (col.5; 9-12, 60-63)

9. Regarding Claim 9, Seki disclosed The data transmission method defined in claim 7, further comprising the step of replacing said battery for a new one after maintenance of the wait state. (col.5; 9-12, 60-63)

10. Regarding Claim 10, Seki disclosed all the particulars of the claim except electronic mail data. However, Katayama teaches in an analogous art, that The data transmission method defined in aims 7, further comprising the step of creating electronic mail data as said transmission data in the wait state. (abstract) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include electronic mail data in order to prevent mail transmission from being impossible by not using battery capacity.

11. Regarding Claim 11, Seki disclosed all the particulars of the claim except electronic mail data. However, Katayama teaches in an analogous art, that The data transmission method defined in claim 10, further comprising the step of temporarily storing said created electronic mail data

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into the storage to wait decision results in the deciding step in advance of transmission. (abstract) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include electronic mail data in order to prevent mail transmission from being impossible by not using battery capacity.

12. Regarding Claim 12, Seki disclosed A data transmission method suitable for a mobile communication terminal (10; fig.2; col.3; 1-7) which uses a battery as a power source (107; fig.2; col.3; 44-51), comprising the steps of:

detecting the voltage of the battery acting as a power source; (col.4; 37-42)

deciding a difference relationship between a voltage level detected in the detecting step and a prescribed value; (col.4; 37-42)

radio-transmitting the transmission-reserved data stored in the storage at said mobile communication terminal when the decision means decides that the detected voltage level exceeds said prescribed value after maintenance of the wait state. (col.3; 23-34).

Seki fails to disclosed without starting the transmission operation, when the decision means decides that the detected voltage level is less than the prescribed value, in response to a data transmission request, and thus maintaining its wait state. However, Katayama teaches in an analogous art, that a transmission reservation controller at said mobile communication terminal for storing transmission data as transmission-reserved data into a storage at said mobile communication terminal, without starting the transmission operation, when the decision means decides that the detected voltage level is less than the prescribed value, in response to a data transmission request, and thus maintaining its wait state. (abstract) Therefore, it would have been

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obvious to one of ordinary skill in the art at the time of invention to include without starting the transmission operation, when the decision means decides that the detected voltage level is less than the prescribed value, in response to a data transmission request, and thus maintaining its wait state in order to prevent mail transmission from being impossible by not using battery capacity.

13. Regarding Claim 13, Seki disclosed The data transmission method defined in claim 12, further comprising the step of charging said battery after maintenance of the wait state. (col.5; 9-12, 60-63)

14. Regarding Claim 14, Seki disclosed The data transmission method defined in claim 12, further comprising the step of replacing said battery for a new one after maintenance of the wait state. (col.5; 9-12, 60-63)

15. Regarding Claim 15, Seki disclosed all the particulars of the claim except electronic mail data. However, Katayama teaches in an analogous art, that The data transmission method defined in claims 12, further comprising the step of creating electronic mail data as said transmission data in the wait state. (abstract) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include electronic mail data in order to prevent mail transmission from being impossible by not using battery capacity.

16. Regarding Claim 16, Seki disclosed all the particulars of the claim except electronic mail data. However, Katayama teaches in an analogous art, that The data transmission method defined

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in claim 15, further comprising the step of temporarily storing said created electronic mail data into the storage to wait decision results in the deciding step in advance of transmission. (abstract)


Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include electronic mail data in order to prevent mail transmission from being impossible by not using battery capacity.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Thu. (8:15-5:45) alternate Fri.(8:15-4:45).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Sharad K. Rampuria
December 8, 2003



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